



## City of San Diego

### Small Local Business (SLBE) Program INSTRUCTIONS FOR BIDDERS COMPLETING THE GOOD FAITH EFFORT SUBMITTAL

The Special Provisions for projects subject to the SLBE Program requires contractors to take affirmative steps to attract and utilize SLBE and ELBE firms.

The information necessary to establish the bidder's adequate good faith efforts to meet the contract goal must include:

#### A. ADVERTISEMENT REQUIREMENTS

Advertisements for subcontract work must comply with the following requirements:

1. Advertisements must be published at least 10 business days prior to bid opening. Provide the names and dates of each publication of where the advertisement was published. *[Note: The advertisement is not required to be placed everyday for the 10 business days prior to bid opening.]*
2. There must be at least two advertisements published, one advertisement *in a trade publication and one in a focus group publication.* Additional advertising for SLBE-ELBE participation may be placed in newspapers, trade papers and on the Internet. For a listing of publications accepting advertisements, please visit the City of San Diego Equal Opportunity Contracting home page at <http://www.sandiego.gov/eoc/>
  - 2.1 Newspaper advertisements must be in the Bids Wanted, Legal Notices section of the Classified Ads, Subcontracting Opportunities or Business Opportunities **NOT** the Employment Opportunities Section.
3. Advertisements must state which items or portions of work the bidder is requesting subcontractor pricing.

**3.1.** It is the bidder's responsibility to demonstrate that enough work sufficient to meet the SLBE-ELBE goal was made available to SLBE-ELBE firms. *The bidder should make as many items of work available as possible to meet the goal, and at a minimum an amount of work equal to the goal. If necessary to reach the goal, the work should include those items normally performed by the bidder with its own forces, supplies and even items with a dollar value below 1/2 of 1% of the total bid. Bidders shall utilize Form AA60 to demonstrate compliance with this requirement and submit the completed form with Good Faith Effort documentation.*

4. Advertisements must state that plans and specs are available at no cost to interested SLBE-ELBE firms and how to obtain them.
5. Advertisements must state that assistance is available from the bidder for SLBE-ELBE subcontractors in obtaining necessary equipment, supplies, or materials.
6. Advertisements must state that assistance is available from the bidder for SLBE-ELBE firms in obtaining bonding, lines of credit or insurance.
7. Bidders **MUST** provide proof of publication of each advertisement by providing the publication affidavit which must include a legible copy of the entire advertisement and the original ENTIRE page of the publication in which the advertisement appears.

**B. SLBE-ELBE WRITTEN SOLICITATION REQUIREMENTS**

Bidders must directly solicit SLBE-ELBE firms on the City's approved SLBE-ELBE list. Solicitations for subcontract/vendor work must comply with the following requirements:

1. The solicitation must be dated and list the name of the SLBE-ELBE firm. *Solicitations must be made to the SLBE-ELBE firms at least 10 business days prior to bid opening.*
2. Solicitation must state which items or portions of work the bidder is requesting subcontractor pricing.

**2.1.** It is the bidder's responsibility to demonstrate that enough work sufficient to meet the SLBE-ELBE goal was made available to SLBE-ELBE firms. *The bidder should make as many items of*

*work available as possible to meet the goal, and at a minimum an amount of work equal to the goal. If necessary to reach the goal, the work should include those items normally performed by the bidder with its own forces, supplies and even items with a dollar value below 1/2 of 1% of the total bid. Bidders shall utilize Form AA60 to demonstrate compliance with this requirement and submit the completed form with Good Faith Effort documentation.*

3. Solicitation must state that plans and specs are available at no cost to interested SLBE-ELBE firms and how to obtain them.
4. Solicitations must state that assistance is available from the bidder for SLBE-ELBE subcontractors in obtaining necessary equipment, supplies, or materials.
5. Solicitations must state that assistance is available from the bidder for SLBE-ELBE firms in obtaining bonding, lines of credit or insurance.
6. Bidder must solicit **ALL** SLBE-ELBE firms on the City's approved list, who have the NAICS code for the subcontract work sought by the general contractor.
7. Bidders must provide copies of **ALL** solicitations with one of the following forms of verification *that the solicitations were sent*: a) If mailed: provide copies of the metered envelopes or certified mail receipts b) If faxed: provide copies of the fax transmittal confirmation sheet(s) c) If emailed: provide copies of the email delivery confirmation sheet(s). No credit shall be given for error messages, busy, cancelled, undeliverable, etc.

C. SLBE-ELBE WRITTEN SOLICITATION FOLLOW UP REQUIREMENTS

Bidders must follow-up with all SLBE – ELBE firms that were notified of the subcontracting opportunities to determine their level of interest and commitment to bid the project. When following up with the SLBE – ELBE firms, the bidder must do the following:

1. Follow up communications must start no less than 5 business days prior to bid opening.
2. Bidders must follow up with all SLBE-ELBE firms in writing. Bidders must provide copies of **ALL** written follow up notices with one of the following forms of verification *that the follow up notices were sent*: a)

If mailed: provide copies of the metered envelopes or certified mail receipts *b*) If faxed: provide copies of the fax transmittal confirmation sheet(s) *c*) If emailed: provide copies of the email delivery confirmation sheet(s). No credit shall be given for error messages, busy, cancelled, undeliverable, etc.

3. Bidders must make at least three follow-up telephone calls to each SLBE – ELBE firm at least five days prior to bid opening date. Bidders must submit a telephone log as identified below.

- 3.1. Submit a telephone log, as proof of telephone call, with the following requirements: project name, name of person making the phone call, name of firm contacted, contact person's name, date of call, time of call, and details of conversation.

#### D. SUBCONTRACT AWARD SUMMARY

Bidders must act in good faith with interested SLBE-ELBE firms and may only reject bids for legitimate business reasons. The bidder must submit the following documentation:

1. A **DETAILED** summary sheet which includes bid item number, scope of work, subcontractor/vendor name, bid amount, certification type, subcontractor/vendor selection and reason for selection / non-selection of all the subcontractors/vendors that responded.
2. Copies of all subcontract/vendor bids received including bids for areas of work that were not included in the outreach and quotes from both certified and non-certified subcontractors/vendors. Subcontractor bid amounts **MUST** match the bid-listed dollar amounts on form AA35 and AA40 submitted with bidders sealed bid and the summary sheet dollar amounts **MUST** also match these amounts. If the Bidder decides to Self-Perform a scope of work, the Bidder **MUST** submit a detailed quote to show that the Bidder's price is competitive to the price of the subcontractors that responded to outreach efforts. All dollar amounts and scopes of work on the subcontractor/vendor bid must not be altered by the prime bidder. If a revision is necessary, a revised quote must be obtained and provided. All verbal quotes **MUST** be substantiated by corresponding written quote from the subcontractor/vendor.

#### E. OUTREACH ASSISTANCE REQUIREMENTS

Written notice of subcontractor opportunities must be forwarded to

local organizations or groups to assist with outreach efforts. When contacting local organizations or groups, the Bidder **must do** the following:

1. Contact a minimum of 5 local organizations or groups to provide assistance in contacting, recruiting and using SLBE-ELBE firms by written notice. For a listing of organizations or groups offering assistance, please visit the City of San Diego Equal Opportunity Contracting home page at <http://www.sandiego.gov/eoc/>
2. Written notice must indicate the date of the notice and name of the local organization or group. ***Written notices must be forwarded to the organizations or groups at least 10 business days prior to bid opening.***
3. Written notice must state which items or portions of work the bidder is requesting subcontractor pricing.
  - 3.1. It is the bidder's responsibility to demonstrate that enough work sufficient to meet the SLBE-ELBE goal was made available to SLBE-ELBE firms. ***The bidder should make as many items of work available as possible to meet the goal, and at a minimum an amount of work equal to the goal. If necessary to reach the goal, the work should include those items normally performed by the bidder with its own forces, supplies and even items with a dollar value below 1/2 of 1% of the total bid. Bidders shall utilize Form AA60 to demonstrate compliance with this requirement and submit the completed form with Good Faith Effort documentation.***
4. Written notice must state that plans and specs are available at no cost to interested SLBE-ELBE firms and how to obtain them.
5. Written notice must state that assistance is available from the bidder for SLBE-ELBE subcontractors in obtaining necessary equipment, supplies, or materials.
6. Written notice must state that assistance is available from the bidder for SLBE-ELBE firms in obtaining bonding, lines of credit or insurance.
7. Bidders must provide copies of ***ALL*** notices with one of the following forms of verification that the notices were sent: a) If mailed: provide copies of the metered envelopes or certified mail receipts b) If faxed: provide copies of the fax transmittal confirmation sheet(s) c) If emailed: provide copies of the email delivery confirmation sheet(s). No credit shall be given for error messages, busy, cancelled, undeliverable, etc.

**NOTE:** Be careful when referring to “See Attachments” without providing explicit information where to find the material. Clearly identifying these items as Attachment A, Attachment B, etc. is suggested. Attachments may include, but are not limited to, copies of advertisements, solicitations and logs of telephone follow-ups, e-mail or fax receipts.